

July 13, 2021

VIA ECF

The Honorable Sarah L. Cave
United States Magistrate Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

A telephone conference is scheduled for **Monday, July 19, 2021 at 10:00 am** on the Court's conference line to discuss Plaintiff's Letter-Motion to Compel (ECF No. 121). The parties are directed to call: (866) 390-1828; access code: 380-9799, at the scheduled time.

Per the Court's Individual Practices, Defendant shall file a response to Plaintiff's Letter-Motion by **July 16, 2021**.

SO ORDERED 7/14/2021

Re: *Now-Casting Economics, Ltd. v. Economic Alchemy LLC,*
 Civil Action No.: 18 Civ. 2442 (JPC)(SLC)


SARAH L. CAVE
United States Magistrate Judge

Dear Judge Cave,

I write as counsel to Now-Casting Economics, Ltd. ("Plaintiff") and submit this letter to request that the Court order Defendant Economic Alchemy LLC to produce its designated expert, Professor Joseph Stiglitz, on a date certain and for a "reasonable fee" to be determined upon Defendant's proper application subsequent to the deposition. Fed. R. Civ. P. 26(b)(4)(E). We have made a good faith effort to confer with counsel for Defendant to resolve this dispute prior to making this application.

By way of background, Defendant's rebuttal expert report was due on June 25, 2021. Defendant's counsel wrote to Plaintiff's counsel in June 25, 2021 and indicated that due to some technical issues, Defendant would not be able to provide the report by the June 25, 2021 deadline and requested that Plaintiff agree to allow Defendant until June 28, 2021 to provide the rebuttal expert report. Defendant's counsel indicated that Defendant would agree to extend the deadline to take the rebuttal expert's deposition, if needed. Plaintiff agreed to the proposal, and Defendant produced its rebuttal expert report on June 28, 2021.

On June 29, 2021, Plaintiff's counsel wrote to Defendant's counsel to request available dates for Professor Stiglitz's deposition. After receiving no response, Plaintiff's counsel sent a follow-up request on July 1, 2021. On July 1, 2021, Defendant's counsel indicated that he would check with Professor Stiglitz regarding his availability for deposition and requested advance payment in the amount of \$2,000.00 per hour for Professor Stiglitz deposition, stating that any excess advance payment would be refunded following the actual deposition.